IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.642 OF 1999

Prasad Vijay Inamdar)
adult, occupation service)
residing at A-94, Asara Colony)
Motgi Road, Solapur)...Petitioner.

Versus

1. Maharashtra Public Service)
Commission, through the Deputy)
Secretary and Examination)
Controller, having their Office)
at Bank of India Building, M.G.)
Road, Bombay - 400 001.)
)
2. The State of Maharashtra)...Respondents.

Mr. S.G. Kudle for the petitioner.

Mr. V.S. Gokhale, GP for respondent Nos. 1 and 2

CORAM: R.M.S. KHANDEPARKAR &
V. M. KANADE, JJ.

DATE: 24th August, 2005.

ORAL JUDGMENT: (Per V. M. KANADE, J.)

1. Heard the learned counsel for the petitioner.

2. The Petitioner, by this petition, is challenging the selection list, which is prepared by respondent No.1 - Maharashtra Public Service Commission in respect of the post of Assistant Motor Vehicle Inspector consequent to the examination held in 1998 by invoking writ jurisdiction of this Court under Article 226 and 227 of the Constitution of India.

3. Petition was admitted, however, no interim relief was granted at the time of granting rule. Further, from the record, it can be seen that the name of the petitioner No.3 has been deleted by virtue of the order passed by the Additional Registrar dated 02/11/2001.

4. Brief facts which are necessary for the purpose of deciding this Writ Petition are as under:-

5. An advertisement appeared in Daily News-paper "Sanchar" dated 08/05/1998, inviting applications for the post of the Assistant Motor Vehicle Inspectors. The petitioner, pursuant to the said advertisement, made an application and was called for oral interview. However, before the oral interview commenced, he was found medically unfit and, therefore, he was rejected on medical ground. Thereafter, on 05/01/1999, the Selection List was declared for the post of Assistant Motor Vehicle Inspector. The principal grievance of the petitioner is that the respondent No.1 did not complete the selection process as per the eligibility criteria laid down in the advertisement. Further, it was contended that the selection list was prepared on extraneous consideration and the petitioner was

deliberately ignored and was erroneously held to be unfit. The learned counsel for the petitioner, therefore, submitted that selection list was liable to be set aside.

6. It is not possible to accept the submissions made by the learned counsel appearing on behalf of the petitioner. The petition was admitted and, at the time of admission, no interim relief was granted. Consequently, after 1999, further procedure after preparation of Selection List must have been completed by this time. This fact is not denied by the learned Counsel appearing on behalf of the petitioner. Consequently, by afflux of time, the present Petition has become infructuous. Even otherwise there is no substance in the submission made by the learned advocate for the petitioner. There is no material on record to indicate that the selection procedure is vitiated on account of any material irregularity or that the respondents have acted in an arbitrary manner. In the absence of any material on record, it is difficult to come to a conclusion that the selection list is prepared on extraneous consideration. There is, therefore, no merit in the contentions raised by the learned advocate appearing on behalf of the petitioner.

7. Accordingly, the Petition is dismissed. Rule is discharged with no order as to costs.

(R.M.S. KHANDEPARKAR, J.)

(V. M. KANADE, J.)